

NOT GUILTYE

*Plead for the LORDS, and others, of
the KING'S Partie.*

THE PREFACE.

THe justnesse of the KING'S Cause, is the justification of His Party, in the late Warres.

Whereas then, the late pretended High Court of Iustice charged His Majesty, *That He leavied Warre against the Parliament for crecting and upholding in Himself an unlimited and tyrannicall Power, to rule according to His will, &c.* It will be necessary, for the vindication of His Party, to shew first, *That the KING took up Armes to maintain Regall Government, and His Legall Power only.*

And whereas they alleage, in their Charge, *That the KING leavied War against the Parliament [first] at Beverly, about the 30 of Iune, 1642.* I will make it cleare, from their previous words and actions, that they were first engaged in Treason and Rebellion, against the KING, and against the Crowne; for which they have no warrant or protection by the Priviledge of Parliament. *And the Subjects are bound by the Law, and by their Allegiance to Serve the KING against every Rebellion, Power, and Might, rear'd against Him within this Land, 11 Hen. 7. 1. And if the KING shall happen to be vanquished, Subjects shall not suffer any thing, for the said Deed, Duty, and Allegiance: And all Acts of processe of Law hereafter to be made to the contrary, are to be void, Ibid.*

TO passe by the two Bills brought into the House of Commons, for taking away Bishops root and branch, And for taking the Militia from the KING, and setting it in other hands, (both which Bills were rejected in a full and free Convention of Parliament.) Also to passe by the Tumults raised in December and January, 1641. For reviving and carrying on the Bills before rejected, by driving away the dissenting Members, and new moulding the two Houses of Parliament.

Two Bills about Bishops & the Militia. Hubb. p. 251. 543.

Tumults in Jan, and Decemb. 1641.

The beginning of the Warre between the King, and a Party of the Lords and Commons in Parliament.

A Party of the
House of Com.
petition for the
Militia.

The remaining Party of the Knights, Citizens and Burgeses of the House of Commons possessed with feares and jealousies of a Designe to destroy the Parliament and Kingdome, petition His Majesty that He would be pleased forthwith to put the Tower of London, and all other Forts, and the whole Militia of the Kingdome, into the hands of such Persons as shall be recommended by them, Jan. 28. And the same Petition to His Majesty is renewed by the remaining Party of the Lords and Commons at Westminster, Feb. 2.

Their Ordinance for settling the Militia.

Also they tender to His Majesty an Ordinance for settling the power of the Militia in the two Houses of Parliament, Feb. 24.

The King his feares and jealousies.

Which Petition and Ordinance begot in His Majesty also feares and jealousies, of a Design against Himself, and against the Crown, to take away His Rights, and to alter the fundamentall Laws and Government of the Kingdome, as appears by His Answer, Jan. 28.

The Kings contentions, touching the Forts & Castl. The Tower of London.

Nevertheless (to comply with them) His Majesty promised, that the Forts and Castles should alwaies be in such hands, (and only such) as the Parliament may safely confide in, Jan. 28.

The Militia of the Kingdome.

Also His Majesty accepted of Sir John Conniers to be Lieutenant of the Tower of London, in place of Sir John Byron, Feb. 11.

Lastly, He accepted of the Lieutenants, by them nominated, to be intrusted with the Militia of the Counties, and offered to grant them Commissions, and Powers, as He had done this Parliament to some Lords Lieutenants by their advice; promising also to continue the same so long as there should be cause, Feb. 28.

Their Vote for settling the Militia.

But they are not herewith satisfied; and they inforce their Petition, March 1. And set forth a Declaration of the grounds of their Feares and jealousies, March 9. And they Resolve, and Vote, That in case of extreme danger (as at this time) and upon His Majesties Refusal, the two Houses of Parliament have power to Order the Militia of the Kingdome; and the Ordinance agreed on by both Houses for the Militia, doth oblige the People, and ought to be obeyed, by the fundamentall Laws of the Land, March 15.

The Kings farther compliances with them. 1642

Now (in farther compliances) His Majesty condescended, That as the Militia was disposed according to their desires, So it should

should not be executed without their advice, *April 28.*

And then also He granted the same for the Corporations, which He had done formerly concerning the Counties.

But nor doth this satisfie them : and secure they cannot be (in their own opinion) unlesse they have the sole power of disposing and executing the Militia without the KING. Nor unlesse they have the Navie Royall also, which they seized, and disposed of, *March 28.*

Now whether those Lords and Commons did put themselves into the Strength of the Kingdome, to prepare against Danger, or for a Designe, the consequents must shew : preceding Actions of this nature (by reason of the deceivablenesse of the heart of man) being not to be rightly understood, but by the subsequnt Managements.

They seize the
Navy Royall.
Note.
Ier. 17.9.

And in their deportment afterward, I find more of confidence than of feare, more of audaciousnesse against the KING than of solicitousnesse for the Kingdome ; an endeavour rather to subvert and destroy, than to preserve and maintaine the fundamentall Constitution and Government of the Kingdome and Parliament.

Sir *John Hotham* keeps the KING out of *Hull*, *April 23.* and the two Houses justifie his trayterous Act, *April 28.* I call it a trayterous Act, because to hold a Fort or Castle against the King, is to leavy Warre against the King : which is High Treason by the Statute of 25 *Edw. 3.*

Their deport-
ment towards
the King.
Sir Jo: Hotham.

Not long after, Mr. *Martin* saies openly in the House of Commons, and unreproved, That the KING's Office is forfeitable, and that the happinesse of this Kingdome did not depend upon His Majesty, or any of the Royall Branches of that Root.

M. Martin.

And Sir *Henry Ludlow*, That He was not worthy to be King of England ; which doubtlesse was the sence of the Parliament, for *May 26.* both Houses declare, That they should not want duty or modesty if they followed the highest presidents of other Parliaments : that is, if they should depose and murder the King, as other unparalleld Parliaments had done, *Edward & Richard* both the Second.

Sir H. Ludlow.

Of Deposing
and Murdering
the KING.

The Crowne it self cannot escape them. For in the same Declaration, they deny the KING's Negative Vote in Parliament.

They declare a
gainst the Kings
negative Vote.

Their Proposi-
tions destru-
tive of Mo-
narchy.

And to deprive the King and Crown of their power, not only in Law making, but also in Governing, June 2. They offer to His Majesty Propositions destructive of Regality and Monarchie, viz. For the two Houses of Parliament.

1. To nominate the Lords of the Privy Conncell, and all the great Officers and Ministers of State, and the chief Judges of the Land.

2. To reforme Church-government, and the Liturgy as they shall think fit; and to call, and consult with Divines to that purpose.

3. To dispose and execute the Militia of the Kingdome, according to their Ordinance.

4. To approve those to whom the Command and Custody of the Forts and Castles shall be committed.

5. To admit such Peeres as shall be made hereafter, to sit and vote in Parliament.

Why those
Lords & Com-
moners took up Arms.

And June 10. They sent forth Propositions, for bringing in Money and money, and raising an Army, To make good what they had taken from, and declared against, and proposed to his Majesty; viz. To keepe the Forts and Castles, and the Militia and Navy from Him; and to take from Him, and from the Crown, the power of Law making, and governing the Church and State; and to depose, and to destroy Him; and to root out His Posterity, together with Monarchy.

And is not this by force of Armes to shake off the yoke of subjection, and to be free?

Why the King
took up Arms.
The Kings War
indicatory &
decentory.

Whereupon June 16. His Majesty in like manner published Propositions to his Subjects for bringing in Money and Plate, to raise an Army, for recovering the Forts, Castles, Militia, and Navy; and for maintaining and defending his Negative Voice, and the Power of the Crown, in Law making and Governing; and for defence and preservation of his Royall Person, Dignity, and Posterity.

And is not this to take up Armes, for suppressing Rebellion, against himself, his Family, and the Crown?

And what the Lords and Commons declared, and proposed from the beginning, against the King, and against the Crown, the same in every particular did they demand in their Treaties at Oxford, 1643. and at Uxbridge, 1644. And in prosecution of those

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Demands, and of their Rebellion, did they prosecute, and continue the War, untill they had subdued the King and his party, 1646.

And the King being wholly in their power, 1647, at *Carisbrook Castle*, they sent him 4. Bills, with new Propositions of Peace, which we had not knowne, but by the Answer of the Scots Commissioners, and they tell us,

1. That the Preface, compared with other parts of the Propositions, takes away the Kings Negative Voice, and cuts off all Royal Power and Right in Law-making.

2. That they divest the King, his Posterity and Crowne forever of all Power and Right of the *Militia*.

3. That they deprive the King of conferring *Titles of Honour*, and of disposing of the great Officers of State, and the naming of *Privy Councillours*.

4. That they take away the *Court of Wards*, and *Forrest Lands* from His Majesty.

5. That the *Four Bills* were as followeth,

I. For settling The *Militia of England* in both Houses of Parliament, and for raising Money for Maintainance of Forces at Sea and Land, by the two Houses of Parliament.

II. For justifying the Proceedings of Parliament in the late War.

III. That all Peeres lately made, or to be made hereafter shall not sit or vote in Parliament, but by the consent of the two Houses.

IV. That the two Houses shall have power to adjourn at pleasure.

And, that these their Propositions and Bills containe the ends for which at first they engaged in this Warre; and which they have fought for, and for which so much Blood hath been shed, themselves tell us plainly, in their Declaration concerning the Scots Papers pag. 6. 20. 28.

And doth not this justify the King and His Party, their Cause, and Warre, for vindicating and maintaining the Respective Powers, and Rights of the Crown?

Their Proceeding also then (Relating to His Majesties Person) were according to their above-mentioned Speeches and Declarations.

The Propositions the same as formerly; and so the Grounds & ends of their War are the same.

They Justify the Kings War.

Their proceedings relating to His Majesties Person.

Their resolution to settle the Government without and against the King.

They persecute the King and His Posterity in order to the overthrow of Monarchy.

Usurpers & ever Murtherers.

The grounds of renewing the Warre.

For, as when at first His Majesty put Himself into their hands, they restrained Him at *New-castle*, and *Holmeby*; so upon refusing their 4 Bills did they strictly Imprison Him at *Carisbrooke-Castle*; and never was a KING of England Imprisoned by His Subjects, but he was Deposed & Murdered. In Order whereunto they passed those Votes, *Of making no more Addresses to the King, nor receiving any Message from Him, Jan. 1.* And they set forth a Declaration expressing the Reasons of those Votes, *Febr. 11.* And the Army resolved to live and die with them, in maintenance of those Votes, and in settling their designed Government without the KING, and against Him, *Jan. 9.* And though they seem to persecute the King upon emergent provocations (*that He made Warre against them, &c.*) Yet from Mr. *Martin's* Speech and Sir *Henry Ludlow's*, and from the Declaration of the two Houses of Parliament (before Armes were taken up, and before any Propositions sent to the King) it appears that from the beginning they had a Designe against His Majesty; and what was spoken and declared then, is agitated and pursued now, (as then) *merely in Order to their great Designe against Royalty, and against Monarchy.*

In order whereunto they declare now against the Kings Family and Posterity, also, who cannot be (if His Majesty were) guilty of any thing in relation to the Warre.

But Usurpers are ever Murderers, 2. Reg. 11. 1. & *Matth. 12. 38, 39, &c.*

And doth not this justify the KING and His Party, their Cause and Warre, for preservation of His Royall Person, and Posterity?

The renewing of the Warre, 1648.

NO mervaille then, if the Warre now renewed the last yeare, Nby, and on behalfe of His Majesty upon the same Reasons and grounds, that Himselfe at first undertooke it: (*viz.*) For recovering the Forts and Castles, and the Militia, and the Navy, taken and detained from His Majesty, and for defending, and maintaining the KING'S Negative Vote, and the power of the KING and Crown, in Law making and governing; and for delivering His Majesty out of Prison; and for preserving the Royall Posterity.

And

And when they were visibly acting, and compleating their traitterous and rebellious Designes upon the KING, and against the Crowne; how were all His Majesties loyal Subjects to rise, and arme themselves, for the rescue of the KING, and of the Crowne; being bound by the Oath of Allegiance, to *bear faith and true Allegiance to HIS MAJESTY, His Heires and Successours, and Him and Them to defend to the utmost of their power, against all conspiracies and attempts whatsoever, which shall be made against His, or their Persons, their Crowne and Dignity.*

By his Majesty's Loyall Subjects.

And how could the abused and misled People of the Kingdome but be enraged against you, who under the pretence of preventing a present Danger, wound themselves into the chiefe Power and Government of the Kingdome. And under the specious pretences of *fighting for Religion and Liberty*, engaged them in the maintenance of *their usurpation*, and made them instrumentall to promote *Rebellion*.

By the misled People of the Kingdome.

And considering their Protestation and the Nationall Covenant, how should English and Scots both endeavour to bring to condigne punishment those Pests of the Common-wealth, who have not onely themselves done contrary to those Oathes, but have forced others also to doe the like, in all things concerning the KING, His Person, His Posterity, His Honour, His Estate, His Authority, His just Power, and His Greatnesse; which they Covenanted should not be (a) *diminished*: and so through their disloyalty and perjury are like to involve us in new difficulties, and inextricable, unexpressible, unconceivable troubles and mischiefs.

(a) For why? *Crimen lese vel Dominata Majestas*, is High Treason.

The true state of the late Warre.

Thus, upon the whole matter, a Rebellious Party of Lords and Commons assembled in Parliament, tooke up Armes, to overthrow the Fundamentall Constitution and Government of the Kingdome; and to destroy HIS MAJESTY and His Royall Family, together with Monarchy: And the KING tooke up Armes to suppress this horrid Rebellion: And His Subjects, according to their bounden duty, served Him in His Warres; both in the first, and in the second Warre: And for this service in both, I pronounce them, NOT GUILTY.

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Postscript.

Reader,

W Hereas the KING is farther charged, by the late Warre, to have violated the Oath taken at His Coronation, there is nothing lesse.

For, by that Oath He binds Himselfe, as to protect His loyall Subjects, so to doe justice upon Rebels and Traytors.

Saint Paul also tels us, That the higher Power is to protect and punish, both.

Wilt thou not be afraid of the Power? doe that which is good, and thou shalt have praise of the same.

For, he is the Minister of God to thee for thy good; But if thou doe that which is evill, be afraid, for he beareth not the Sword in vaine; for he is the Minister of God, a revenger to execute wrath upon him that doth evil, Rom. 13.

v. 3, 4.

And they who set up Iudicatories, and Courts of Justice, not by Gods Authority, but the Peoples pretended Power, and proceed not as His Ministers, but as their Officers, doe not indeed execute Iustice, and Iudgment, but kill and murder, under pretence of Iudgment and Iustice.

O consider this you that forget God, Psal. 50. 22.

FINIS.

